

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.

PROMESA
Title III

Case No. 3:17-bk-03283 (LTS)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE EMPLOYEES RETIREMENT SYSTEM OF
THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,

Debtor.

PROMESA
Title III

Case No. 3:17-bk-03566 (LTS)

**FIFTH SUPPLEMENTAL VERIFIED STATEMENT OF THE ERS SECURED
CREDITORS PURSUANT TO BANKRUPTCY RULE 2019**

Pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), certain beneficial holders as identified on Exhibits A and B hereto (collectively, the “ERS Secured Creditors”) hereby submit this fifth verified statement (the “Fifth Verified Statement”), and in support hereof state as follows:

1. In May 2015, certain of the ERS Secured Creditors or the investment advisors or managers on behalf of the ERS Secured Creditors retained Jones Day to represent them as

counsel in connection with a potential restructuring of the secured bonds (the “ERS Bonds”) issued by the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”). From time to time thereafter, certain additional holders of ERS Bonds have joined the ERS Secured Creditors, and certain holders have ceased to be a part of the ERS Secured Creditors. Jones Day appears in the above-captioned case on behalf of the ERS Secured Creditors as presently constituted.

2. As of the date of this Fifth Verified Statement, Jones Day represents (as that term is defined in Bankruptcy Rule 2019(a)(2)) the ERS Secured Creditors in their capacities as beneficial holders of ERS Bonds. Jones Day does not represent the ERS Secured Creditors in their capacities as beneficial holders of any bonds issued or guaranteed by the Commonwealth or of any bonds issued by any other Title III Debtor.

3. Other than the parties described in this Fifth Verified Statement, Jones Day does not represent or purport to represent any other entities in connection with the ERS or Commonwealth Title III cases. Jones Day does not represent the ERS Secured Creditors as a “committee” (as such term is used in the Bankruptcy Code and Bankruptcy Rules) and does not undertake to represent the interests of, and is not a fiduciary for, any creditor, party in interest, or other entity. In addition, the ERS Secured Creditors do not represent or purport to represent any other entities in connection with the ERS or Commonwealth Title III cases.

4. In accordance with Section IV(B) of the *Twelfth Amended Notice, Case Management and Administrative Procedures*, Case No. 17-3283 ECF No. 13383, the names and addresses of each of the ERS Secured Creditors, together with the nature and amount of each

disclosable economic interest held by each of them¹ in relation to ERS, the Commonwealth, and other Title III debtors as of January 14, 2019, are set forth in Exhibit A attached hereto. The nature and amount of each disclosable economic interest held by each of the ERS Secured Creditors in relation to ERS, the Commonwealth, and other Title III debtors as of June 26, 2020, are set forth in Exhibit B attached hereto. The information set forth in Exhibits A and B is based on information provided to Jones Day by the ERS Secured Creditors and is intended only to comply with Bankruptcy Rule 2019 and not provided for any other purpose.

5. Upon information and belief formed after due inquiry, neither Jones Day nor any of the ERS Secured Creditors hold any disclosable economic interests (as that term is defined in Bankruptcy Rule 2019(a)(1)) in relation to ERS, the Commonwealth, or other Title III debtors other than those disclosed in Exhibits A and B hereto.

6. Nothing contained in this Fifth Verified Statement is intended or shall be construed (a) to constitute consent to the jurisdiction of the Court over any matter, (b) as an admission with respect to any fact or legal theory, (c) as an acknowledgment that any Title III case was appropriately or lawfully commenced, or (d) as a waiver or release of any rights, claims, actions, or defenses to which the ERS Secured Creditors are or may be entitled, in law or in equity, under any agreement, any constitution or otherwise, with all such rights, claims, actions, and defenses being expressly reserved.

7. The undersigned verify that the foregoing is true and correct to the best of their knowledge.

¹ For the avoidance of doubt, the information set forth on Exhibit A and B relates solely to the ERS Secured Creditors and not any affiliated entities.

8. The ERS Secured Creditors, through their undersigned counsel, reserve the right to amend or supplement this Fifth Verified Statement in accordance with the requirements of Bankruptcy Rule 2019 at any time in the future.

In San Juan, Puerto Rico, today July 2, 2020.

By:

/s/ Alfredo Fernández-Martínez
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